

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 UNITED STATES OF AMERICA)
5 VS.)
6)
7 MOHAMED ABDALLA)
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14 TRANSCRIPT OF SENTENCING
15 BEFORE THE HONORABLE CLAUDE M. HILTON
16 UNITED STATES DISTRICT JUDGE

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24 Proceedings reported by stenotype, transcript produced by
25 Julie A. Goodwin.

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16 OFFICIAL U.S. COURT REPORTER

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1 (MARCH 19, 2021, 9:19 A.M., OPEN COURT.)

2 THE COURTROOM DEPUTY: Criminal Action 2020-CR-250,
3 *United States of America versus Mohamed Abdalla.*

4 MS. CUELLAR: Good morning again, Your Honor. Carina
5 Cuellar and Monika Moore on behalf of the United States.

6 THE COURT: Good morning.

7 MR. BELEVETZ: Good morning, Your Honor. Tim Belevetz
8 on behalf of Defendant Mohamed Abdalla.

9 THE COURT: All right. Good morning.

10 Have you and your client had an opportunity to
11 review this presentence report?

12 MR. BELEVETZ: We have, Your Honor. And subject to
13 the agreement that we brokered with the government, we have no
14 objection to the -- to the guidelines.

15 THE COURT: All right. Well, I'll accept. I
16 understand you're all in agreement. 57 to 71 months would be
17 the proper calculation, would it not?

18 MS. MOORE: Your Honor, I believe this was 70 to 87.

19 MR. BELEVETZ: Yes, Your Honor, that's -- Ms. Moore is
20 correct.

21 THE COURT: Well, I'm sorry, 70 to 87.

22 MS. MOORE: Yes, Your Honor.

23 THE COURT: All right. Is there anything you want to
24 say at this time?

25 MR. BELEVETZ: Yes, Your Honor.

1 Your Honor, standing before the Court this morning
2 is a talented and dedicated pharmacist, an honorable man, a man
3 of humility, and candidly a broken man. He's a man who
4 immensely regrets what he did. He looks back into -- onto the
5 world in which he was born, a childhood spent in an
6 impoverished and troubled part of the world where economic
7 opportunities are scarce and the freedom that we take for
8 granted are virtually nonexistent.

9 He looks back on his journey as a teenager to a new
10 country to pursue a new life, and he looks back on the success
11 that he achieved through hard work and dedication and nothing
12 more. He was given nothing. And he reflects back on his poor
13 decisions, his avarice, that caused him to be standing in this
14 courtroom about to begin a new chapter in his life.

15 Your Honor, Mr. Abdalla fundamentally is a
16 caregiver. He looked after his patient customers who came to
17 him for vital medication. He looked out for their needs, in
18 many cases providing them with custom made pharmaceuticals,
19 compounded drugs in other words, designed to meet their
20 specific requirements. He's particularly proud of the
21 lifesaving opioid antidote that he dispensed to those with
22 serious addictions.

23 During his time, Your Honor, with a larger pharmacy
24 in Orlando, he established a program to deliver drugs to
25 hospital patients before their discharge in order to increase

1 the likelihood that they would in fact fill and take those
2 prescriptions. And in the small business he ran, the local
3 pharmacy in Fairfax, Mr. Abdalla was a fixture of the
4 community. He developed a loyal customer base who valued his
5 reliability, his customer service, and advice.

6 Mr. Abdalla's role as a caregiver, Your Honor, is
7 not limited to his customers by any means. He's a devoted
8 husband to his wife, Carla, who's here in the courtroom this
9 morning. He's a dedicated father who loves building snow forts
10 and riding bikes with his young son, and who as his older son,
11 Brian, who is also here this morning, put it, is filled with
12 love and understanding of cheer and support.

13 Mr. Abdalla's strong family connections extend to
14 his broader family: His mother-in-law, Lucy; his nephew, Alex;
15 and his brother, Khidir, who's also here in the courtroom this
16 morning.

17 Your Honor, their letters to the Court provide
18 meaningful insight into the person that this man is. And I
19 would note that those connections extend to friends and
20 colleagues Mr. Abdalla has treated like family, because he
21 truly sees them that way and not because of some cynical effort
22 to dupe them into joining a conspiracy.

23 It is, I would submit, Your Honor, a -- because of
24 his character, his sense of responsibility and justice that
25 Mr. Abdalla immediately owned up to what he did. From day one,

1 nearly three years ago, he made clear his intention to accept
2 responsibility for his actions and to begin making amends by
3 cooperating with the government in any way asked.

4 He made himself available for numerous meetings,
5 some extensive, some sometimes short -- shorter phone calls.
6 He carefully explained a complicated prescription billing
7 system and has shed light on a complex network of medical
8 providers, drug manufacturers, pharmaceutical distributors,
9 pharmacy benefit managers, and insurance programs. And this,
10 Mr. Abdalla will tell the Court, is the beginning of his path
11 to redemption.

12 Your Honor, Mr. Abdalla recognizes that a period of
13 incarceration is appropriate. It's necessary for the general
14 deterrence that the government rightly seeks. I would submit,
15 Your Honor, it is not necessary for specific deterrence. Put
16 simply, Mr. Abdalla is not going to do this again. He has
17 learned his lesson and he has learned it well. But it's also
18 necessary for punishment.

19 A sentence of a duration, Your Honor, longer than
20 that of his co-defendant and fellow pharmacist Onkur Lal we
21 would submit is appropriate. And a longer sentence than that
22 of pharmacist Michael Beatty is also appropriate.

23 Your Honor, a sentence of 44 months is sufficient
24 but not greater than necessary to send a strong message that
25 healthcare fraud and paying kickbacks for patient referrals

1 will not be tolerated. A 44-month sentence will provide just
2 punishment and given the sentences of others in this case will
3 not lead to an unwarranted disparity.

4 Your Honor, Mr. Abdalla recognizes that he broke
5 the law. He's genuinely remorseful. He's ashamed for
6 contributing the harm that he's visited upon the victim, health
7 benefit programs, and the damage that this has done, the damage
8 this type of conduct I should say has done to the healthcare
9 system generally.

10 But Mr. Abdalla, Your Honor, holds great promise.
11 He can still improve the lives of those in his community, and
12 he will, as he has in the past. He can still serve as a
13 positive and important influence on his sons' lives, and he
14 will.

15 Your Honor, for these reasons we respectfully ask
16 the Court to impose a sentence of 44 months in prison. This is
17 a sentence that takes into account the history and
18 characteristics and potential of the man standing humbly before
19 the Court, and a sentence that fits the crime.

20 Your Honor, we would ask that the Court recommend
21 to the BOP that Mr. Abdalla be designated to FCI Otisville in
22 New York. And if Your Honor sees fit, Mr. Abdalla would like
23 to address the Court as well.

24 THE COURT: All right.

25 Anything the government wants to add?

1 MS. MOORE: Thank you, Your Honor.

2 Again, very briefly, as I know the Court has
3 reviewed our papers. And as we state in our papers, we believe
4 a period of incarceration of 60 months is appropriate in this
5 case. We certainly recognize this case did not involve any
6 patient harm, and we also recognize that many of Mr. Abdalla's
7 co-conspirators took it upon themselves to do lots of actions
8 without his direction. However, this was a far-ranging
9 conspiracy. It resulted in a loss of approximately \$8 million
10 and spanned for approximately five years.

11 Mr. Abdalla was definitely one of the leaders of
12 this conspiracy. He was a pharmacist who held a position of
13 trust in the community, and he and his co-conspirators took
14 actions to try to hide this conduct from the pharmacy benefit
15 managers and others who were auditing them. And for these
16 reasons we believe that a period of incarceration of 60
17 months is appropriate.

18 THE COURT: All right.

19 Mr. Abdalla, would you come to the podium.

20 (DEFENDANT COMPLIES.)

21 THE COURT: Is there anything you want to say at this
22 time?

23 THE DEFENDANT: Yes, Your Honor.

24 Thank you for the opportunity to address the Court,
25 and please allow me to express my deepest regrets for the

1 inexcusable choices and action that I have made.

2 As I stand before the Court today, I fully own my
3 complete lack of judgment and sincerely apologize to all my
4 victims, customers, healthcare providers, insurance company,
5 and my patients. I also would like to apologize to my family,
6 my wife, my two sons for putting them through this terrible
7 ordeal.

8 Your Honor, I came to this country in 1992 to build
9 a new life for myself and escape the oppression -- excuse me --
10 I escaped the oppression and tyranny of Islamic government in
11 the Sudan. I came here in hopes of finding freedom and a
12 better life. I came here to become an American.

13 Your Honor, I do not want to excuse my terrible
14 actions, trying to avoid taking responsibility for what I did.
15 My biggest regret in life, I destroyed this -- I destroyed a
16 stellar professional career that spanned almost two decades.
17 For the majority of my career, I served my profession
18 honorably, and I tried to go beyond the call of duty to provide
19 my patients with the best care they could ever receive. I also
20 served my community, mentored young professionals, and I always
21 contributed to the betterment of society.

22 The pain in my heart that I'll take to my grave --
23 to my grave is knowing that because of my bad decisions I --
24 that I made I destroyed a -- decades of hard work and
25 dedications. I also brought shame to myself and disgraced my

1 family and dishonored the memory of my late mother.

2 There's no excuse for what I did. I succumbed to
3 the tremendous pressure and huge expenses of owning and
4 managing a small business, that caused me to fail myself as a
5 professional and a respected member of society in the last
6 years of working as a pharmacist. It was my greed, one of the
7 deadliest sin that took me down this terrible path.

8 Your Honor, during the past three years of this
9 terrible ordeal, which I could not blame anyone but myself for
10 causing it, I have reflected on my actions and I truly believe
11 that God tested me and I failed. I believe now that God wanted
12 me to show me -- that God wanted to show me the errors of my
13 ways and guide me back to the righteous path. I am determined
14 to pay my debt to society, and I repent for my wrongdoings.

15 I know I must go to prison. Taking another step in
16 the road of -- to rehabilitation after my release, I intend to
17 pursue a new career in the path in construction. And I
18 obtained in the last three years construction management
19 certificate from NOVA. I plan to work in the field of
20 construction and clean energy. All I want now is a second
21 chance to right my wrongs and support my family. I intend to
22 work hard, become again a productive member of society, and
23 restore other's faith in me.

24 I'm deeply hurt that I put my victims and my family
25 through this terrible experience, and I consider myself lucky

1 to have wife, sons, and brothers that didn't abandon me.

2 Your Honor, as I look back at my life I consider
3 myself very blessed. I was very fortunate to have escaped
4 Islamic tyranny of the government of the Sudan, and I
5 blessed -- and I am blessed to live here free in the United
6 States.

7 Despite all the wonderful people that God put in my
8 way to guide me, I strayed from the righteous path, and I paid
9 a heavy price as a result of succumbing to temptation and
10 greed. Today, as I humbly appear before the Court, I stand
11 broken man asking for mercy and forgiveness.

12 I take full responsibility for all the action that
13 resulted in embarrassment of my family, financial ruins of my
14 savings, and the destruction of decades of hard work I put into
15 building my professional reputation. The last three years have
16 been the darkest years of my life. They showed me the error of
17 my ways. And I fully recognize that I must pay my dues by
18 going to prison, but I could ask -- I could only ask for mercy.

19 As I stand respectfully here today before Your
20 Honor, I'm ready to face what's next. I know I can only ask
21 for the Court's leniency.

22 Thank you.

23 THE COURT: All right. Well, Mr. Abdalla, I find the
24 guideline factors in this case to be properly assessed at a
25 range of 70 to 87 months. That because of your financial

1 condition and the restitution involved, the imposition of any
2 fine or cost would not be warranted.

3 Considering the factors, as I must under Section
4 3553, the nature of this conspiracy and your role in it and
5 your age and family situation, I find that a sentence somewhat
6 below the guideline range would be appropriate.

7 It will be the sentence of the Court as to counts
8 one and two that you be committed to the custody of the
9 Attorney General to serve a term of 48 months, a three-year
10 period of supervised release, pay a special assessment fine of
11 \$100. The sentences in counts one and two will run
12 concurrently with one another.

13 Now, a period of supervised release, you will have
14 to abide by the standard conditions of probation, and secondly,
15 pay the sum of \$200 per month commencing within 60 days of your
16 release toward restitution in this matter.

17 I will recommend that you voluntarily surrender
18 yourself, and also that you serve this time at the federal
19 facility in Otisville, New York.

20 And do you have the --

21 MS. MOORE: Yes, Your Honor, we have the consent order
22 of --

23 THE COURT: Restitution --

24 MS. MOORE: -- forfeiture and --

25 THE COURT: -- and forfeiture?

1 MS. MOORE: Yes, Your Honor.

2 (BRIEF PAUSE.)

3 THE COURT: All right. This order has been entered.

4 MR. BELEVETZ: Your Honor, one last item.

5 The probation office has possession of Mr.
6 Abdalla's passport. We would ask the Court to direct the
7 probation office to return the passport to counsel for
8 safekeeping either today or alternatively after he reports.

9 THE COURT: All right. I'll order that returned to
10 you, to counsel.

11 MR. BELEVETZ: Thank you, Your Honor.

12 THE COURT: All right. Very good. Thank you.

13 All right. We'll adjourn until Monday morning at
14 9:30.

15 THE LAW CLERK: All rise.

16 (PROCEEDINGS CONCLUDED AT 9:37 A.M.)

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1 UNITED STATES DISTRICT COURT)
2 EASTERN DISTRICT OF VIRGINIA)
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4 I, JULIE A. GOODWIN, Official Court Reporter for
5 the United States District Court, Eastern District of Virginia,
6 do hereby certify that the foregoing is a correct transcript
7 from the record of proceedings in the above matter, to the best
8 of my ability.

9 I further certify that I am neither counsel for,
10 related to, nor employed by any of the parties to the action in
11 which this proceeding was taken, and further that I am not
12 financially nor otherwise interested in the outcome of the
13 action.

14 Certified to by me this 31ST day of MARCH, 2021.
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16
17

18 /s/
19 JULIE A. GOODWIN, RPR
20 Official U.S. Court Reporter
21 401 Courthouse Square
22 Eighth Floor
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